2455

SUPREME COURT OF THE UNITED STATES.

No. 268.

THE UNITED STATES, APPELLANTS,

vs.

ALEXIS PORCHE.

APPEAL FROM THE DISTRICT COURT, U. S., FOR LOUISIANA.

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2450.

United States district court, eastern district of Louisiana, sitting in chancery.

ALEXIS PORCHE
vs.
The UNITED STATES. } No. 140.

Be it remembered, that heretofore, to wit, on the eighth day of March, being the February term, A. D. 1848, of the said court, Alexis Porche, by his solicitor, Chs. de Choiseul, esq., came into the office of the clerk of said court and filed his petition, which is in the words and figures following, to wit:

To the honorable the judge of the United States district court, for the district of Louisiana, the petition of Alexis Porche, residing in the parish of Pointe Coupée, State of Louisiana, against the United States, represents:

That on the 23d day of December, 1788, Santiago Carrick, presented a petition to Don Estevan Miro, the governor at that time of the province of Louisiana, for the King of Spain, praying for a grant of land of twenty arpents front, with the usual depth of 40 arpents, on False river, in the parish of Pointe Coupée, joining the concession of Pierre Sauvé on one side, and the public lands on the other; on the 24th day of December of the same year, an order of survey was granted to the said Santiago Carrick, and the land was surveyed and taken possession of by him, but owing to the destruction and removal of the archives of the said province by the Spaniards, the original plan of survey cannot be found; the land however has been in the possession of said Santiago Carrick and his heirs, who have paid public taxes for the same until the 11th of April, 1835, when Andrew Lockhart, by virtue of a power of attorney executed to him by Adelaide Segond, widow of Santiago Carrick, and Angelique Pauline Carrick, his daughter, and wife of the said Andrew Lockhart, they being the sole heirs of the said Santiago Carrick, sold the said land to Pierre Laurans, by public act passed before Louis Caire, notary public, at New Orleans.

On the 17th of February, 1840, Jean Laurans, holding a power of attorney from Pierre Laurans, for that purpose, sold the said land to Armand Amar, by public act passed before Thomas J. Cooley, parish judge of Pointe Coupée, parish and ex-officio notary public.

And that on the 13th of May, 1841, Armand Amar sold the said land to this petitioner, by public act passed before Thomas J. Cooley, parish judge as aforesaid; all of which chain of title will be exhibited and filed in this suit, before or on the trial thereof.

Petitioner further represents that a portion of this land has already been confirmed by the United States to some one under whom one Prosper Darensbourg claims and holds said portion.

Petitioner therefore prays that the district attorney of the United

States may be cited to appear and answer this petition, that the validity of the title of your petitioner to the said tract of land be inquired into and decided by the court, and that after due proceedings had, judgment be rendered in favor of your petitioner, decreeing and recognising that the title of your petitioner to the before described tract of land is good and valid, and that your petitioner is entitled to enter a like quantity of land in lieu of such as has been sold or confirmed as aforesaid, according to the provisions of the act of Congress in such case made and provided; and your petitioner prays for all such other and further relief, aid, and remedy, as the nature of his case may require, and to law and equity appertain.

(Signed) C. DE CHOISEUL,
For petitioner.

And further, at the same term and on the same day, the following citation was issued from the clerk's office in this case:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon Thomas J. Durant, U. S. district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans, on the first Monday of April, 1848, then and there to answer a petition in chancery filed against the United States, wherein Alexis Porche is petitioner, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Theo. H. McCaleb, judge, this eighth day of March, New Orleans, 1848, and 72d year of American independence.
[SEAL.]

(Signed) N. R. JENNINGS, *Clerk.*
By A. BOISBLANC, *D'y Clerk.*

Mem. The defendant is to enter an appearance in the above cause in the clerk's office on or before the 1st Monday of April, 1848, otherwise the petition may be taken pro confesso.

(*Marshal's return on the foregoing citation.*)

Received March 8th, 1848, and on the same day served a copy of the within citation and petition on Thomas J. Durant, esq., in person.
Returned, New Orleans, March 8th, 1848.

(Signed) JOS. PRADOS, JR.,
D'y U. S. marshal.

And further, at the same term and on the 3d of April, 1848, the defendants appeared and filed the following plea, which is in the words and figures following, to wit:

ALEXIS PORCHE
vs.
The UNITED STATES.

To the honorable Theodore H. McCaleb, judge of the district [court] of the United States, for the district of Louisiana.

The plea of the United States, defendants, to the bill of complaint and petition of Alexis Porche, complainant and petitioner.

Thomas J. Durant, attorney of the United States, for the district of Louisiana, for and on behalf of the said United States, by protestation, not confessing, or acknowledging all or any of the matters and things in the said complainant's said bill and petition mentioned to be true, in such manner and form as the same are therein and thereby set forth and alleged, doth plead thereunto, and for plea saith, that by the act of the Congress of the United States, approved on the 17th June, 1844, entitled "an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the State of Mississippi and Alabama, south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers;" the act of 26th May, 1824, entitled "an act to enable claimants to land within the State of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims," was revived and re-enacted, and its provisions extended to the State of Louisiana; that among those provisions was one contained in said act of 26th May, 1824, limiting the time in which suits could be brought against the United States to two years from the passage of the act; that, therefore, no suit can be brought and maintained against the United States after the 17th June, 1846, and that this bill of complaint and petition was filed long after that time, to wit, on the 8th March, 1848.

All which matters and things, the attorney of the United States aforesaid doth plead to the whole of said bill of complaint and petition, and humbly demands the judgment of this honorable court, whether he ought to be compelled to make any answer to the said bill of complaint and petition, and humbly prays to be hence dismissed with his reasonable costs in this behalf most wrongfully sustained.

(Signed) THOMAS J. DURANT,
Attorney of the United States, for the district of Louisiana.

And further, at the same term, to wit, on the 8th of April, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

Upon motion of De Choiseul, esq., counsel for the plaintiff, it is ordered that the plea filed herein be fixed for trial for Wednesday next, the 12th of April.

And further, at the same term, to wit, on the 13th of April, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The plea filed in this cause, and fixed for trial on Wednesday the 12th inst., was this day continued by consent, and fixed by the plaintiff's counsel for Tuesday next, the 18th instant.

And further, at the same term, to wit, on the 18th of April, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The counsel for the plaintiff herein not appearing, this cause was, on motion of the district attorney, continued.

And further, at the same term, to wit, on the 19th of April, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The (exceptions or) plea filed in this case by the district attorney, was fixed for trial on Friday, the 28th inst., at 10 o'clock.

And further, at the same term, to wit, on the 28th of April, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The plea filed by the district attorney in this case came up to-day for trial, when, on motion of C. de Choiseul, esq., attorney for plaintiff, it was

Ordered, that said plea be overruled, and that the defendants answer to the original complaint and petition.

And further, at the same term, and on the same day, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

On motion of C. de Choiseul, esq., attorney for the plaintiff, it is ordered that the defendant shew cause (if any there be,) on Wednesday, May 3d, at 10 [o'clock,] a. m., why H. Waller, esq., U. S. deputy surveyor at Baton Rouge, should not be ordered to survey the lands claimed by the plaintiff in this cause, after giving due notice to the parties; said survey and the proceedings thereon, to be returned to this court to be offered as evidence in this cause.

And further, at the same term, to wit, on the 3d of May, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The rule entered in this case on the 28th ult., came up to-day for hearing, C. de Choiseul, esq., appearing for the plaintiff, and the district attorney for the United States.

On the district attorney's suggesting that the plea filed by him in opposition to the suit had been overruled without his having notice of the motion to that effect, the court, after hearing argument from him in support of the said plea, took the same under consideration.

After explanations by the plaintiff's counsel, the court also took under consideration the rule entered on the 28th ult., and returnable to-day.

And further, at the same term, to wit, on the 4th of May, 1848, the following entry was made in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

Having considered the plea filed in this case by the attorney for the defendants, the court this day ordered that said plea be overruled.

And further, on the same day, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

The court having taken under consideration the rule entered in this case by the plaintiff's counsel, on the 28th ult., and calling for an order to survey the lands claimed by the plaintiff, this day ordered that said rule be made absolute, and that said survey take place, without, however, in any way involving a prejudice to the rights of the United States, or of such persons as are in actual possession of said lands or any portion thereof.

And further, at the same term, to wit, on the 5th of May, 1848, the following affidavit for a commission was filed of record in this case:

United States district court.

ALEXIS PORCHE
vs. }
THE UNITED STATES.

The plaintiff in this case being absent, C. de Choiseul, his attorney, maketh oath, that S. Van Winkle, Jacob Van Winkle, and Lenfroy Decuir, residing in the parish of Pointe Coupée, are material witnesses to the prosecution of this cause; he therefore prays, that a commission issue to Joseph Jewell, justice of the peace of said parish, to take the testimony of said witnesses, to be used at the trial of this cause.

(Signed,) C. DE CHOISEUL.

Sworn to and subscribed before me, this 5th day of May, 1848.

(Signed,) N. R. JENNINGS, *Clerk*.

And thereupon the following order was entered of record in this case:

ALEXIS PORCHE
vs.
THE UNITED STATES. } 140.

On motion of C. de Choiseul, esq., counsel for the plaintiff, and on his producing in court an affidavit signed by himself in the absence of the plaintiff, and representing that S. Van Winkle, Jacob Van Winkle, and Lenfroy Decuir, residing in the parish of Pointe Coupée, are material witnesses in the prosecution of this cause, it is ordered by the court that, in compliance with the prayer contained in said affidavit, a commission do issue to Joseph Jewell, a justice of the peace in the said parish of Pointe Coupée, directing him to take, in writing, the testimony of said witnesses, and to return the same to this court, to be used as evidence on the trial of this cause.

And thereupon, in accordance with the above order, a commission, directed to J. Jewell was issued from the clerk's office, on the 9th May, 1848; which commission is hereinafter copied at page 30 of this transcript.

And further, at the same term, to wit, on the 10th of May, 1848, the defendants appeared and filed of record the following answer:

ALEXIS PORCHE
vs.
THE UNITED STATES.

To the honorable T. H. McCaleb, judge of the district court of the United States, for the district of Louisiana.

The answer of Thomas J. Durant, attorney of the United States for the district of Louisiana, and of the defendants to the bill of complaint and petition of Alexis Porche and others, complainants and petitioners.

The attorney of the United States aforesaid, now and at all times hereafter, reserving to himself, and to the said defendants, all and all manner of benefit or advantage of exception, which can or may be had or taken to the many errors, uncertainties, and other imperfections, in the said complainant's bill of complaint and petition contained, for supplemental answer thereto, or unto so much and such parts thereof as the attorney aforesaid and these defendants are advised is or are material for them, or necessary for them, to make any answer unto, this defendant, the attorney of the United States aforesaid, saith that the present action is brought too late, because more than two years had elapsed before the filing of the petition since the seventeenth day of June, 1844, and by law that the suit could only be brought within two years from that date.

And further answering he saith, that he is a stranger to the several matters and things in the said complainant's said bill of complaint and petition set forth, and of all of them he demands full and complete proof.

And this defendant further saith, that he claims such rights and in-

terests, under the treaties, statutes, and laws of the United States pertinent to this matter for and on behalf of the United States, as this honorable court shall be of opinion that the United States are justly entitled to.

All of which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most unlawfully sustained.

(Signed,) THOMAS J. DURANT,
Attorney of the United States for the district of Louisiana.

And afterwards, at the May term, to wit, on the 19th of May, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

On motion of C. de Choiseul, of counsel for plaintiff:

It is ordered by the court that the defendants show cause, if any they have, on Thursday next, the 25th of May, at 10, a. m., why so much of their answer, filed on the 10th of May, 1848, as pleads that plaintiff's petition ought to be dismissed, because not filed within two years after the 17th of June, 1844, should not be stricken out, the said defendants having filed the same plea on the 3d of April, 1848, and it having been overruled by the court on the 28th of April, 1848.

And further, at the same term, to wit, on the 25th of May, 1848, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The attorney for the plaintiff, this day, with the consent of the court, withdrew the rule entered by him on the 19th inst.

And afterwards, at the December term, 1848, to wit, on the 7th of February, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

It being shown to the court that the commission and interrogatories issued in this cause, to take the depositions of sundry witnesses residing in the parish of Pointe Coupee, and the order to make a survey of the land claimed, have been returned duly executed. On motion of Charles de Choiseul, esq., of counsel for the plaintiff, it is ordered that the United States district attorney show cause, if any he have or can, on Saturday, the 17th of February instant, at 10 o'clock, a. m., why the said depositions and survey should not be used as evidence in this cause.

And further, at the same term, to wit, on the 17th of February, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140
The UNITED STATES.

The rule entered on the 7th instant came up to-day for hearing, both parties present.

On the district attorney's suggesting that the depositions referred to in said rule are still sealed, and that thus he has had no opportunity of examining their contents, it is ordered that said depositions be opened for the inspection of parties; and further, that the hearing of this rule be continued until Saturday the 24th instant, at 10 o'clock, a. m.

And afterwards, at the February term, to wit, on the 24th of February, 1849, the following entry was made of record in this case.

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The rule entered herein on the 7th instant, coming up to-day for hearing, C. de Choiseul, esq., for plaintiff, and the United States district attorney for defendants, present, the latter gentleman waiving all objections to the form of the depositions, it is now ordered that the said rule be made absolute.

And further, at the same term, to wit, on the 12th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

On motion of Thomas J. Durant, esq., attorney for defendants, it is ordered by the court, that Alexis Porche, plaintiff, do show cause, on Saturday next, the 17th day of March, 1849, at 10 o'clock, a. m., why experts should not be appointed to compare the signature of Estevan Miro to the alleged grant relied on in this case, with other signatures of the said Miro, proved to have been by him written and annexed to documents in the records of Sterling vs. the United States, No. 13, Bell vs. the United States, No. 2, and Lecour et al. vs. the same, No. 15, of the docket of land causes in this court, and to report thereon.

And further, at the same term, to wit, on the 17th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The rule entered herein, on the 12th inst., and made returnable this day, was, by the pressure of other business on the court, continued.

And further, at the same term, to wit, on the 19th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

On motion of Thomas J. Durant, esq., U. S. district attorney.

It is ordered, that the rule herein entered on the 12th instant, on his motion, and made returnable on the 17th inst., be now renewed and fixed for hearing on Saturday next, the 24th inst., at 10, a. m.

And further, at the same term, to wit, on the 22d of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

On motion of Charles de Choiseul, of counsel for the plaintiff herein, it is ordered by the court, that William O. Denègre, esq., U. S. commissioner, take the testimony of Pierre Sauvé and Alexandre Trudeau, (to be used on behalf of the plaintiff in this suit,) on Monday, the 26th of March, 1849, at 9, a. m., in the office of the clerk of this court, and that due notice of the same be given to the U. S. district attorney.

And further, at the same term, to wit, on the 23d of March, 1849, the plaintiff appeared, and filed of record the following replication:

ALEXIS PORCHE
vs.
THE UNITED STATES.

United States district court, district of Louisiana.

Replication.

This repliant, saving all and every manner of advantage of exception to the manifold insufficiencies of the said defendants' answer, for replication thereunto says, that he will aver and prove his said petition to be true, certain, and sufficient in the law to be answered unto; and that the said answer of the defendants is uncertain, untrue, and insufficient, &c.

All of which matters and things this repliant is and will be ready to aver and prove, as this honorable court shall direct; and humbly prays, as in and by said petition he has already prayed, &c.

(Signed) C. DE CHOISEUL, *Sol. for Plff.*

And further, at the same term, to wit, on the 24th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

The rule entered herein on the 12th instant, and renewed on the 19th, came up to-day for hearing; Charles de Choiseul, esq., on behalf

of the plaintiff, and the U. S. district attorney, present; when, after argument, it was ordered that said rule be made absolute, and that James L. Wibray, on the part of the plaintiff, and Jackson Duplessis, on the part of the defendants, be, and they are hereby, appointed experts, to compare the signature of Estevan Miro, attached to the document filed in this cause as document E, and purporting to be an original petition and order of survey, with other signatures of the said Miro attached to documents, also of record in this court, in the following causes, to wit:

No. 2. Caroline S. Bell vs. the U. S.
No. 13. R. G. Sterling vs. the U. S.
No. 15. Lacour et al. vs. the U. S.

And to report to this court the result of their examinations.

And further, at the same term, to wit, on the 27th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

In this cause it is ordered by the court, that Joseph Reynes, esq., be, and he is hereby, appointed as a third expert, to confer with and decide between those already appointed, in relation to the signatures submitted to their inspection.

And further, at the same term, to wit, on the 23d of April, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

By consent of the counsel for the respective parties herein, it is ordered that the reference for experts, called for in the entries of March 19th and 24th, be, and the same is hereby, waived.

And further, at the same term, to wit, on the 8th of May, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

This cause came regularly up for hearing to-day; Chas. de Choiseul, esq., attorney for the plaintiff, and the U. S. district attorney for the defendants, appearing. Evidence was adduced on behalf of the plaintiff, and argument of counsel heard, when the court took the cause under consideration.

Evidence offered by complainant.

1o. The plaintiff offered in evidence document marked "E," purporting to be the original petition and order of survey, dated 23d and 24th December, 1788, which document is as follows:

Señor Gobeor. e Intendte. Gral. Dn. Santiago Carick, vecino y del comercio de esta ciudad, con el debido respeto ante V. S., me presento

y digo: que deseando formar una habitacion con el fin de ocupar algunos negros mios, se ha deservir V. S. concederme para este efecto veinte arpanes de tierra de frente con la profundidad ordinaria de quarenta, situados sobre uno de los brasos de la falsa rivera, iindando de un lado á la concesion de Dn. Pedro Sauvé, y del otro á las tierras del dominio de S. M., respecto a encontrase vacantes, y no causando perjuicio alguno á los circumvecinos como es pubco. y notorio, obligandome á las condiciones prevenidas en el reglamto. de las concesions. de esta provincia; gracia que espero en justicia de la distributiva que V. S. administra.

Nva. Orleans, 23 de Diciembre, de 1788.

(Signed) SANTIAGO CARRICK.

NUEVA ORLEANS, 24 *de Dizre., de* 1788.

El agrimensor de esta provincia, Dn. Carlos Laveau Trudeau, establecera esta parte sobre los veinte arpanes de tierra de frente que solicita con la profundidad ordinaria de quarenta en el parage indicado en el memorial antecedte. estando vacantes, y no causando perjuicio alguno con las precivas condicians. de hacer el camino, y desmonte regular en el termino perentorio de un año, y de quedar nula esta concesion si al expirar el preciso espacio de tres, la tierra no se hallare establecida y de no poder enagenarla en los mismos, baxo cuyo supto. se estenderan á continuacn. las dilgs. de apeo que me remitiva para proveer al interesado del correspondiente titulo en forma.

(Signed) ESTEVAN MIRO.

(*Translation of the foregoing document, E.*)

His excellency the governor and intendant general: Dn. Santiago Carrick, a resident of this city, with due respect, presents himself to your excellency, and says, that he wishes to establish a plantation in order to employ some of his negroes; he therefore begs leave from your excellency to grant him, for that purpose, twenty arpents of land front, with the ordinary depth of forty arpents, situated on one of the branches of False river, bounded on one side by the concession of Dn. Pedro Sauvé, and on the other side by the lands of the King's domain. That the said land is vacant, and cannot cause any injury to the neighboring planters, as it is publicly known. The said petitioner, submitting to the conditions and rules applied to the concessions granted in this province. Favor that petitioner hopes to receive from your excellency's justice.

Signed, SANTIAGO CARRICK.

New Orleans, December 23d, 1788.

NEW ORLEANS, *December 24th*, 1788.

The surveyor of this province, Dn. Carlos Laveau Trudeau, will establish this petitioner on the twenty arpents front of land, on the ordinary depth of forty arpents, which he solicits, in the place mentioned

of the plaintiff, and the U. S. district attorney, present; when, after argument, it was ordered that said rule be made absolute, and that James L. Wibray, on the part of the plaintiff, and Jackson Duplessis, on the part of the defendants, be, and they are hereby, appointed experts, to compare the signature of Estevan Miro, attached to the document filed in this cause as document E, and purporting to be an original petition and order of survey, with other signatures of the said Miro attached to documents, also of record in this court, in the following causes, to wit:

No. 2. Caroline S. Bell vs. the U. S.
No. 13. R. G. Sterling vs. the U. S.
No. 15. Lacour et al. vs. the U. S.

And to report to this court the result of their examinations.

And further, at the same term, to wit, on the 27th of March, 1849, the following entry was made of record in this case:

ALEXIS PORCHE vs. THE UNITED STATES. } 140.

In this cause it is ordered by the court, that Joseph Reynes, esq., be, and he is hereby, appointed as a third expert, to confer with and decide between those already appointed, in relation to the signatures submitted to their inspection.

And further, at the same term, to wit, on the 23d of April, 1849, the following entry was made of record in this case:

ALEXIS PORCHE vs. THE UNITED STATES. } 140.

By consent of the counsel for the respective parties herein, it is ordered that the reference for experts, called for in the entries of March 19th and 24th, be, and the same is hereby, waived.

And further, at the same term, to wit, on the 8th of May, 1849, the following entry was made of record in this case:

ALEXIS PORCHE vs. THE UNITED STATES. } 140.

This cause came regularly up for hearing to-day; Chas. de Choiseul, esq., attorney for the plaintiff, and the U. S. district attorney for the defendants, appearing. Evidence was adduced on behalf of the plaintiff, and argument of counsel heard, when the court took the cause under consideration.

Evidence offered by complainant.

1o. The plaintiff offered in evidence document marked "E," purporting to be the original petition and order of survey, dated 23d and 24th December, 1788, which document is as follows:

Señor Gobeor. e Intendte. Gral. Dn. Santiago Carick, vecino y del comercio de esta ciudad, con el debido respeto ante V. S., me presento

y digo: que deseando formar una habitacion con el fin de ocupar algunos negros mios, se ha deservir V. S. concederme para este efecto veinte arpanes de tierra de frente con la profundidad ordinaria de quarenta, situados sobre uno de los brasos de la falsa rivera, lindando de un lado á la concesion de Dn. Pedro Sauvé, y del otro á las tierras del dominio de S. M., respecto a encontrase vacantes, y no causando perjuicio alguno á los circumvecinos como es pubco. y notorio, obligandome á las condiciones prevenidas en el reglamto. de las concesions. de esta provincia; gracia que espero en justicia de la distributiva que V. S. administra.

Nva. Orleans, 23 de Diciembre, de 1788.

(Signed) SANTIAGO CARRICK.

NUEVA ORLEANS, 24 *de Dizre., de* 1788.

El agrimensor de esta provincia, Dn. Carlos Laveau Trudeau, establecera esta parte sobre los veinte arpanes de tierra de frente que solicita con la profundidad ordinaria de quarenta en el parage indicado en el memorial antecedte. estando vacantes, y no causando perjuicio alguno con las precivas condicians. de hacer el camino, y desmonte regular en el termino perentorio de un año, y de quedar nula esta concesion si al expirar el preciso espacio de tres, la tierra no se hallare establecida y de no poder enagenarla en los mismos, baxo cuyo supto. se estenderan á continuacn. las dilgs. de apeo que me remitiva para proveer al interesado del correspondiente titulo en forma.

(Signed) ESTEVAN MIRO.

(*Translation of the foregoing document, E.*)

His excellency the governor and intendant general: Dn. Santiago Carrick, a resident of this city, with due respect, presents himself to your excellency, and says, that he wishes to establish a plantation in order to employ some of his negroes; he therefore begs leave from your excellency to grant him, for that purpose, twenty arpents of land front, with the ordinary depth of forty arpents, situated on one of the branches of False river, bounded on one side by the concession of Dn. Pedro Sauvé, and on the other side by the lands of the King's domain. That the said land is vacant, and cannot cause any injury to the neighboring planters, as it is publicly known. The said petitioner, submitting to the conditions and rules applied to the concessions granted in this province. Favor that petitioner hopes to receive from your excellency's justice.

Signed, SANTIAGO CARRICK.

New Orleans, December 23d, 1788.

NEW ORLEANS, *December 24th*, 1788.

The surveyor of this province, Dn. Carlos Laveau Trudeau, will establish this petitioner on the twenty arpents front of land, on the ordinary depth of forty arpents, which he solicits, in the place mentioned

in his petition, the same being vacant, and causing no injury to any body, with the precise conditions of his making the road, and clearing the lands in the peremptory term of one year; and this grant to be declared null and void if in the space of three years the said land is not established, he being forbidden to alienate the same during that space; under the fulfilment of those conditions he may possess forever said land. The process verbal of surveying will be delivered unto me, that I may confer the same to petitioner in due form.

Signed, ESTEVAN MIRO.

I certify the foregoing to be a true translation of document marked E.

Signed, LS. DUVIGNEAUD,
Int'r U. S. dist. court.

2°. The plaintiff offered in evidence the following deposition of Louis Bringier, as to signature to document E, which deposition is as follows:

U. S. district court, district of Louisiana.

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

Friday, March 9th, 1849.

Be it remembered, that on this ninth day of March, A. D. 1849, before me, the undersigned, d'y clerk of the U. S. dist. court, and ex officio d'y commissioner for taking testimony in land causes, appeared the plaintiff in the above cause, by Chs. de Choiseul, esq., his attorney, together with Louis Bringier, esq., a witness subpœnaed to appear, and introduced on behalf of said plaintiff; the attorney for the defendants not present; when I proceeded to take down in writing, as follows, the deposition of the said witness:

Louis Bringier, esq., witness for the plaintiff, being duly sworn, and on being shown a certain document in the Spanish language, purporting to be a petition for land by Santiago Carrick, and order of survey thereon given by Estevan Miro, hereunto annexed and marked E, says, that the signature of Estevan Miro thereto attached, is, in witness' opinion and belief, genuine; witness is familiar with the signature of the said Miro, and has frequently seen it. The document is written on old Spanish paper, such as was used at the time of its date, (Dec. 22d, 1788.) It is in the usual form of documents purporting to be petitions and orders of survey.

Witness is 66 years of age; is well acquainted with old documents, such as the one before him; has had in his possession such documents since the year 1826 or '27. He is surveyor general of the State of Louisiana, and has so been since the year just mentioned. The petition in the document before witness, appears to be in the same handwriting as most petitions of the kind that witness has seen.

Signed, LS. BRINGIER.

I hereby certify, that the foregoing is the true and exact deposition of Louis Bringier, esq., a witness introduced for the plaintiff, in relation

to a certain document hereunto annexed, and marked E; that said deposition was taken down by me in writing, read over aloud to the witness, and signed by him in my presence; that due notice of the taking of said testimony was served upon the U. S. dist. attorney, for the defendants, who did not, however, appear at the examination.

To all which, now bear witness my hand and private seal, this 10th day of March, A. D. 1849.

Signed, ROBT. M. LUSHER, [SEAL.]
D'y commissioner in land causes.

3°. The plaintiff offered in evidence the following depositions of A. Cruzat and L. Bouligny, as to document E, which depositions are as follows:

U. S. district court for Louisiana.

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

Clerk's office, March 20th, 1849, 5 p. m.

Testimony.

In this cause, the complainant, represented by J. P. Wilde, esq., for Chas. de Choiseul, esq., his solicitor, and the defendants by their attorney for the said district, this evening appeared before me, the undersigned d'y commissioner for taking testimony in land causes; and the said complainant having by his said counsel introduced A. Cruzat and L. Bouligny, esqs., as witnesses herein, I thereupon proceeded to take down in writing their testimony as given in the French language, and by me converted into English, as follows, to wit:

Antoine Cruzat, esq., being duly sworn, and shewn the original document herein, marked E, deposes, that he is well acquainted with the handwriting of Miro, and believes the signature of Estevan Miro, thereto attached, to be genuine; believes, also, that the body of the petition is in the handwriting of Mr. Liotand, a gentleman employed by the Spanish authorities. The document before witness is dated the very month and year in which he arrived at New Orleans; Miro was then governor.

Cross examined: Witness is well acquainted with Miro's signature; witness remarks that Miro sometimes wrote less fluently than at others.

Witness is 74 years of age; witness knows the handwriting of Liotand, in the body of the petition; but he does not recognise the hand in which the governor's order is written; witness knew a Mr. Carrick, who had a house in this city near the vegetable market, but does not recollect his first name; witness does not know the handwriting of the Carrick spoken of.

Being asked whether there were many persons of the name of Carrick in N. O., witness answers, that he knew of but one; witness then had a general sight acquaintance with almost every one in the city; witness thinks that the Carrick he has spoken of was a Frenchman.

(Signed) A. CRUZAT.

Louis Bouligny, esq., on being sworn, and shown doc. E, deposes that he has frequently seen the signature of Miro, and recognises that of "Estevan Miro," to the document before him to be genuine; witness does not know the writing in which the body of the petition is, nor that in which the body of the order is. The Carrick, who signed the petition before wit., was, he thinks, but he cannot so affirm, the brother-in-law of Mr. Sauvé, living above the city; this thought of witness is awakened by his seeing that in said petition the said Carrick prays for a concession of land near that of Pedro Sauvé, &c. If the Carrick who signed the petition be he to whom witness alludes, he was a Scotchman, and died about 1813–'14, or '15.

Cross examined.

Witness knew no other Carrick here than the one he has spoken of; at the time of the date of the petition, there were not over 6000 inhabitants in N. O., and though not on amicable relations with every one, still witness knew almost every one by sight.

(Signed) L. BOULIGNY.

I hereby certify that the within and foregoing are the true and exact depositions of Antoine Cruzat and Louis Bouligny, witnesses introduced by the complainant, and examined by both parties in relation to the orig. document of record in this cause, and marked E; that said depositions were taken down by me as they there appear, read over aloud to the witnesses, and by them signed in my presence.

Witness my hand and seal this 20th March, 1849.

(Signed) ROBT. M. LUSHER, [SEAL.]
Dy. commissioner in land causes.

4o. The plaintiff offered in evidence the following deposition of Pierre Sauvé, as to documents E and A, which is as follows:

U. S. district court for Louisiana.

ALEXIS PORCHE
vs.
The UNITED STATES.

Clerk's office, April 30th, 1849.

Testimony taken by consent for plaintiff, before Robert M. Lusher, dy. commissioner in land causes.

Present: Ch. de Choiseul, esq., for plaintiff; Thomas J. Durant, esq., U. S. dist. attorney, for defendants.

Pierre Sauvé, esq., wit. for plaintiff, being duly sworn, deposes as follows:

On being shewn doc. E., that in examining some old papers belonging to deponent's father's estate, he found said document, had it translated to ascertain its object and value, and seeing that it was signed by Santiago Carrick, and that Alexis Porche was interested in it, he handed it to Mr. de Choiseul, said Porche's attorney. Witness is acquainted with the signature of Santiago Carrick, and believes that before him to be the genuine signature of said Santiago Carrick.

2663.

It is to deponent's knowledge that his father owned a tract of land contiguous to that described in the petition and order of survey before him, doc. E.

On being shewn doc. A, annexed to depositions of witnesses, taken at Pointe Coupee, and filed February 17th, 1849, that said document was also found by deponent under the same circumstances, and handed to Mr. de Choiseul; Mr. Alex. Trudeau was also present when witness found said documents.

Santiago Carrick was deponent's uncle; he died about the year 1808 or 1810, leaving one child, named Pauline Carrick, who married Andrew Lockhart in 1823; and another, Rosalie Carrick, who died in 1815 or 1816, never having been married, and therefore leaving as her sole heirs her mother and sister Pauline.

Cross examined by dist. att'y.

Witness has never seen Santiago Carrick write; Carrick was a Scotchman; James, by name, but always called Santiago Carrick; Mrs. Lockhart, his daughter, resides in Havre, France; she left Louisiana seventeen years ago, or thereabouts.

(Signed) P. SAUVE.

The foregoing I certify to be the true and exact deposition of Pierre Sauvé, esq., a witness introduced by and for the plaintiff in the above entitled cause, said deposition having been by me taken down in writing, read over aloud to the witness, and signed by him in my presence.

Witness my hand and seal, this 30th April, A. D. 1849.

(Signed) ROBT. M. LUSHER, [SEAL.]
Dy. commissioner in land causes.

5o. The plaintiff offered in evidence, an extract from land office s. east. dist., La., purporting to be an order of survey to Santiago Carrick, which document is as follows:

A Dn. Santiago Carrick, veinte arpanes de frente con quarenta de fondo, situados sobre uno de los brasos de la Falsa rivera, lindando de un lado á la concession de Dn. Pedro Sauvé, y del otro á las tierras del dominio de S. M.

December 24th, 1788.

South eastern district, Louisiana land office, New Orleans.

I, Peter Laidlaw, register of the United States land office, do hereby certify, that the foregoing is a true copy of an order of survey, as registered in book 4, page 27, of libra 3, being one of the records of the office aforesaid.

In testimony whereof I hereunto sign my name, this twenty-second day of January, 1845.

(Signed) PETER LAIDLAW, *Register*.

6o. The plaintiff offered in evidence, document marked A, purporting to be a plan of survey by Morgan, dated 13th October, 1808, which document is as follows:

The court admitted this document subject to the exceptions raised by the defendants, as to its admissibility as evidence.

(For plan see original, page 29.)

In conformity with a request of a tract of land, situated and lying on the waters of the Shenel, in the county of Pointe Coupee, beginning at a mulberry standing on the margin thereof, and thence running down the Shenel on the margin thereof N. 32° E., 58. 18 links to a stake; and thence S. 60° E., 116.36 links; and thence S. 30° W., 78.00 chains; and thence N. 50° W., 116.36 links, to the margin of the Shenel and place of beginning, containing 792 acres 29 hundredths, bounded in front by the Shenel, in rear by vacant land, on the upper side by lands of Pierre Sauvé, and on the lower by John McDonogh. The 13th Oct., 1808.

(Signed) MORGAN.

7o. The plaintiff offered in evidence the following depositions of L. Decuir, J. C. Van Wickle, and S. Van Wickle, taken under a commission addressed to Joseph Jewell, justice of the peace, dated 9th of May, 1848; which depositions, and the accompanying documents, are as follows:

Commission.

District court of the United States, for the district of Louisiana, to Joseph Jewell, esq., a justice of the peace in and for the parish of Pointe Coupee:

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you S. Van Winkle, Jacob Van Winkle, and Lenfroy Decuir, and them duly examine on oath, touching and concerning certain matters and things in a cause now depending in the said court, wherein Alexis Porche is plaintiff, and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify, under your hand and seal, and send enclosed to this court, without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable Theodore H. McCaleb, judge of said court, at the city of New Orleans, this 9th day of May, anno domini
[SEAL.] 1848, and the 72d year of the independence of the United States of America.

(Signed,) N. R. JENNINGS, *Clerk*,
By ROBT. M. LUSHER, *D'y Clerk*.

Interrogatories and cross interrogatories annexed to the foregoing commission.

United States district court, district of Louisiana.

ALEXIS PORCHE
vs.
THE UNITED STATES.

Interrogatories to be propounded to S. Van Winkle, Jacob Van Winkle, and Lenfroy Decuir, on behalf of the plaintiff in this case:

1st. interrogatory. Are you acquainted with the plaintiff in this suit?

2d interrogatory. Do you or do you not know any thing of a tract of land in the parish of Pointe Coupee, on False river, claimed by Santiago Carrick, his heirs, or persons holding under him? If you do, describe the extent and position of said land; by whom settled at present, and by whom bounded.

3d interrogatory. State whether you know if Santiago Carrick ever settled this land, or in what way he held it, and in whose possession it has been up to the present time.

4th interrogatory. Do you know whether or not the said Santiago Carrick, or his heirs and assigns, ever paid public taxes on said lands? If yea, state for what length of time; and how you came to that knowledge; whether as agent for said person or persons as a public officer or otherwise; if you have any receipts or vouchers attesting this fact, annex them to this answer.

5th interrogatory. Are you residents of the parish of Pointe Coupee, and how long have you been so; and how near have you resided, or do you reside at present, to False river?

6th. If you state that you know the position of the land claimed by Santiago Carrick, state how it was understood to be bounded before the death of Santiago Carrick.

7th interrogatory. Do you know from your own knowledge or general reputation, the date of the death of Santiago Carrick; that of his marriage; the number of his children; how many heirs he left at his death; how many of those children were living at the 1st of April, 1828, and the 1st of April, 1835; if any of his children were married, and to whom; and if those who died before the dates mentioned left any children?

8th interrogatory. If any petition, order of survey, or plan be shown you, with the signatures of Santiago Carrick, Miro, or Morgan, in reference to this matter, state whether you are acquainted with these signatures, and whether they are genuine, and annex the said papers to your answer.

9th interrogatory. Do you know any thing further in this matter that will benefit the plaintiff? If so, state fully.

(Signed,) C. DE CHOISEUL,
Sol. for plaintiff.

Cross interrogatories.

First. Have you any interest in the event of this suit; will you gain any thing should it be decided in favor of the plaintiff?

Second. Are you related to the plaintiff; and if so, in what degree?

Third. What is your age; how long have you resided in the parish of Pointe Coupee?

Fourth. Did you ever see Santiago Carrick write; and how often?

Fifth. Did you ever see Miro write; and how often?

Sixth. Did you ever see Morgan write; and how often?

Seventh. If you annex any papers to your answer, then say where did those papers come from; who displays them to you; whose possession have they been in latterly; when did you first see them; how long since you saw them last before the present time?

Eighth. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

All legal exceptions reserved.

New Orleans, 13th May, 1848.

(Signed,) THOMAS J. DURANT,

Attorney of the United States for the district of Louisiana.

STATE OF LOUISIANA, *parish of Pointe Coupée.*

By virtue of a commission directed to the undersigned, Joseph Jewell, a justice of the peace of the parish and State aforesaid, by the honorable Theodore H. McCaleb, a judge of the court of the United States, for the district of Louisiana, dated the 9th day of May, anno domini 1848, to take the deposition of witnesses residing in said parish and State, in a suit now pending in said court, wherein Alexis Porche is plaintiff, and the United States, defendants; and after having sworn each witness separately, did proceed to take down in writing the answers of the several witnesses to the interrogatories propounded to them by both plaintiff and defendants, respectively.

1. Mr. Lenfroy Decuir, after being duly sworn to the 1st interrogatory in chief, answered: That he was acquainted with the plaintiff in this suit.

2. To the second interrogatory in chief he answers: That he has no recollection or knowledge of the tract of land which appertained to Santiago Carrick, except from hearing from deponent's father, who told him, deponent, that Madam Carrick was the owner of a tract of land containing about three arpens of land; that the same land is that which joins deponent's lands on one side, and those of Prosper Darrensbourgh on the other; that a Mr. Roux lives on the land at present.

3. In answer to the third interrogatory in chief he says: He does not know whether Mr. Carrick ever settled said land or not of his own knowledge, or in what way he held it, nor in whose possession it has

been up to the time it came into possession of its present owner and purchaser, Alexis Porche, the plaintiff.

To the fourth interrogatory in chief he answered: That he knows nothing whatever.

To the fifth interrogatory in chief he answered: That he is a resident of the parish of Pointe Coupee; has been a resident for fifty-four years; was born on False river, and has always, and does at present live at the same place where he was born.

To interrogatory 6th he answered: That he knows nothing.

To interrogatory 7th he answered: That he has no knowledge whatever of the death, marriage, or birth of any of the Carrick family; that he knew none of them.

To interrogatory 8th he answered: That he was well acquainted with Morgan, but could not swear to his signature.

To the 9th interrogatory he answered: That he knows nothing further in the matter.

Answer to cross interrogatories.

First. That he has no interest in the event of the suit whatever, and will neither gain nor lose, which ever way it may be decided.

Second. That he is brother-in-law to plaintiff.

Third. 54 years of age; born in the parish, and always resided there.

Fourth. Never saw Santiago Carrick.

Fifth. Never saw Miro write.

Sixth. Often saw Morgan write, but so long ago he could [not] positively swear to his handwriting.

Seventh. No answer required, as no papers are annexed.

Eighth. That he knows nothing further which would be of advantage to either party in the suit.

(Signed) LY. DECUIR.

Sworn to and subscribed before me, this 1st day of February, 1849.

(Signed) JOSEPH JEWELL,
Justice of the peace.

Jacob C. Van Wickle being sworn, deposes and says:

First. That he is acquainted with the plaintiff, Alexis Porche.

Second. Knows nothing about the ownership or boundaries of the land, except that he has received taxes upon a tract of land on False river, which was assessed in the name of widow Carrick or Garrick.

Third interrogatory. Deponent knows nothing about the land or Santiago Carrick, farther than what he has stated in his answer to interrogatory second.

Fourth interrogatory. That while acting in the capacity of deputy sheriff of the parish of Pointe Coupee, from the years 1829 to 1834, he was paid taxes upon a certain tract of land, being situated on the chenal of Fausse riviere, and assessed in the name of widow Garrick or Carrick; but does not recollect by whom said taxes were paid.

Fifth interrogatory. Is a resident of the parish of Pointe Coupee, and has been since the year 1827; has always resided in Pointe Coupee, on the Mississippi river.

Sixth interrogatory. Knows nothing of the matter.

Seventh interrogatory. Knows nothing about the family.

Eighth interrogatory. That the signature to the plot of a survey marked A, and dated the 13th October, 1808, is the genuine signature of Morgan, which paper is hereto annexed; that he is well acquainted with the signature of Morgan, but is not with those of Garrick or Mirot.

Ninth interrogatory he answers. No.

Answers to cross interrogatories.

First interrogatory. No; none whatever.

Second interrogatory. None whatever.

Third interrogatory. Forty-two years of age; has resided in the parish of Pointe Coupee since 1827.

Fourth interrogatory. Never saw Santiago Carrick, and of course never saw him write.

Fifth. Never saw Miro.

Sixth. Deponent is the nephew of Morgan, and has seen him write very often.

Seventh. The plot of a survey as referred to in the eighth interrogatory in chief, or rather in the answer thereto, was first shown to deponent by the justice of the peace and commissioner to take this testimony.

Eighth. Knows nothing further about the matter.

(Signed) J. C. VAN WICKLE.

Sworn to and subscribed before me, this 1st day of February, 1849.

(Signed) JOSEPH JEWELL.

Justice of the peace.

Mr. Stephen Van Wickle being duly sworn, deposes and says, in answer to interrogatory—

1st. Yes; that he is acquainted with plaintiff.

2d interrogatory. Deponent knows of a tract of land which is said to belong to Madam Garrick or Carrick, situated on the lower chenal or mouth of False river; knows nothing of the extent or boundaries, except that it is said to lie between the lands of Antoine and Lenfroy Decuir and Prospère Derensbourgh; and Mr. Roux is now living upon the front of said lands.

3d interrogatory. Deponent never knew Mr. Santiago Carrick, nor did he ever know any thing about him, nor did he ever know him to be a settler on those lands; knows nothing about Mr. Carrick's titles, and has known several persons to claim his land, and that it has been in the possession of several persons within deponent's knowledge.

4th interrogatory. Deponent was deputy sheriff of the parish of Pointe Coupee, under Charles Morgan, sheriff, from the years 1820 until 1823; and was then appointed sheriff of the parish of Pointe Coupee

as aforesaid; and held said office of sheriff of the parish of Pointe Coupee as aforesaid some ten, twelve, or fifteen years, during the whole of which time, as near as deponent can recollect, the taxes of Madame widow Garrick or Carrick were paid by Arnauld Beauvais, esq.; deponent generally gave a receipt to Arnauld Beauvais, esq., for said taxes.

5th interrogatory. Deponent has been and is a resident of the parish of Pointe Coupee since the fall of the year 1819, and has resided for the last ten or twelve years at or on the lower mouth of False river.

6th interrogatory. Deponent knows nothing further than what he has stated in the 2d interrogatory.

7th interrogatory. Deponent knows nothing about the family.

8th interrogatory. Deponent answers that of the plot of a survey, with the signature of Morgan, and dated October 13th, 1808, he recognises as the signature of Morgan, and that he is well acquainted with the signature of Morgan, but not with the signatures of Carrick or Mirot.

9th interrogatory. Knows nothing which would be of any benefit whatever to either plaintiff or defendant.

Answers to cross interrogatories.

First. I have no interest in the suit as far as I am at present aware, but should the claim of the plaintiff ever be confirmed I might be a loser thereby.

Second. Deponent is no relation whatever.

Third. Deponent is between 45 and 50, and has resided in the parish of Pointe Coupee since the fall of the year 1819.

Fourth. Has never seen Santiago Carrick write.

Fifth. Has never seen Miro write.

Sixth interrogatory. Deponent is the nephew of Morgan; is familiar with his signature, and has often seen him write.

Seventh. The paper marked A is the veritable signature of Mr. Morgan; deponent has never seen said paper previous to its being shown to him on this occasion by the justice of the peace and commissioner sworn to take the testimony in this case, and has no knowledge of any other papers.

Eighth. Knows nothing else which would be of any interest, or which would be material to either party.

(Signed) S. VAN WICKLE.

Sworn to and subscribed before me, this 1st day of February, 1849.

(Signed) JOSEPH JEWELL,
Justice of the Peace.

I, Joseph Jewell, justice of the peace, in and for the parish of Pointe Coupee, State of Louisiana, do hereby attest and certify, that I have, in my said capacity, taken the depositions of Lenfroy Decuir, Jacob C. Van Wickle, Stephen Van Wickle, by virtue of a commission aforesaid, issued by the honorable Theodore H. McCaleb, judge of the United States court for district of Louisiana, dated the ninth

day of May, A. D. 1848, in the 72d year of the independence of the United States, in which Alexis Porche is plaintiff, and the United States are defendants; and I do further certify, that the said depositions were taken, signed, and sworn to, on the particular day designated at the foot of each deposition, to wit, on the 1st day of February, eighteen hundred and forty-nine, at my office in this parish.

In testimony whereof, I have signed and sealed with my private seal the present process verbal, in the parish of Pointe Coupee, on the first day of February, eighteen hundred and forty-nine.

(Signed) JOSEPH JEWELL, [SEAL.]
Justice of the Peace, Point Coupee.

Pointe Coupee, Louisiana, 1 February, 1849.

The plaintiff offered here that part of the testimony of P. Sauvé, as to document A, already copied at page 27 of this transcript.

8°. The plaintiff offered in evidence the following deposition of Alex. Trudeau, as to documents E and A, which deposition is as follows:

U. S. district court for Louisiana.

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

Tuesday, March 27th, 1849. Clerk's office, 5 p. m.

On this day the plaintiff in the above cause, by Chs. De Choiseul, esq., their attorney, appearing before me, the undersigned, deputy commissioner of said court in land causes, I proceeded to take down in writing, as follows, the testimony of Alexander Trudeau, esq., a witness introduced by and on behalf of said plaintiff, to wit:

Alexandre Trudeau, esq., witness for the plaintiff, being sworn:

Deposes that he recollects having some two years since, found some papers similar to document A, at Mr. Sauvé's plantation; witness was struck by the paper from its being near another relating to a tract of land claimed by witness's grand-father, Pedro Sauvé.

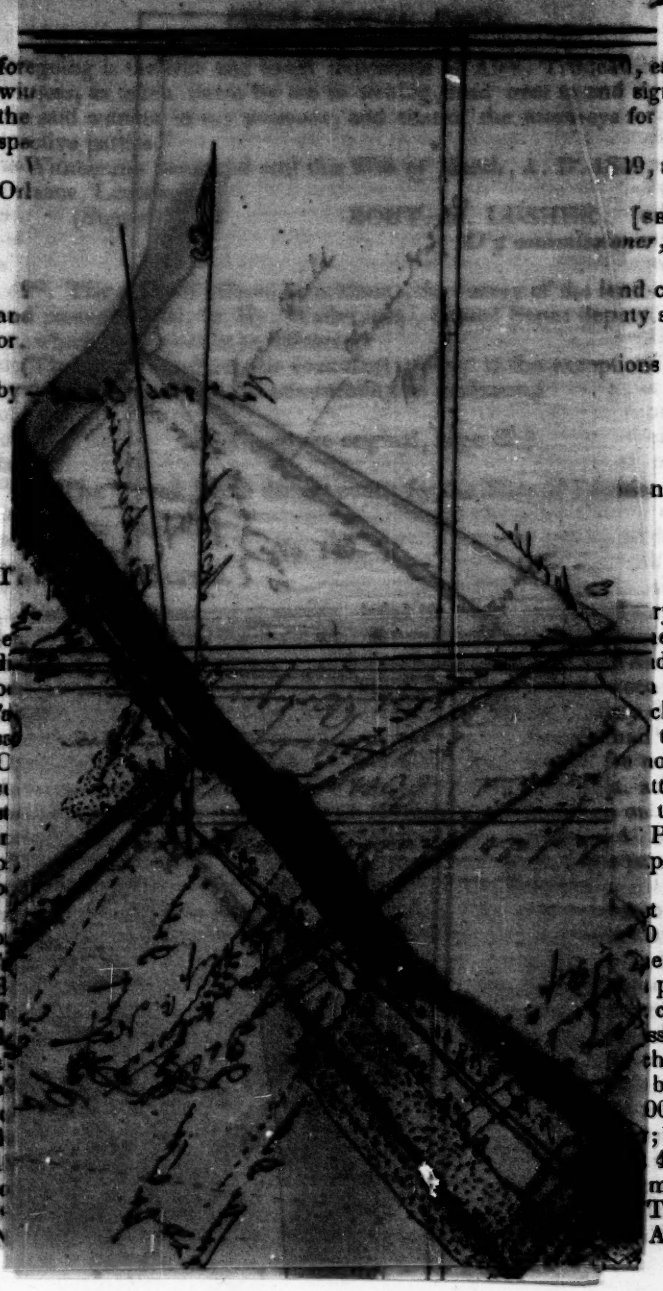
Witness has no recollection whatever of the document marked E; can't say whether he found, or gave it or not. Witness handed the papers found by him to Mrs. Pierre Sauvé, stating to her that they were valuable and deserved her care.

Witness knows nothing of Carrick's claim; nothing of Mr. Santiago Carrick; the sister of witness's grandmother was a Mrs. Carrick, but he does not know whether she was Mrs. Santiago Carrick; said Mrs. Carrick had but one child, a daughter, Mrs. Hy. Lockhart, who is now in Havre, France.

The district attorney being present, asks no cross questions.

(Signed) AE. TRUDEAU.

I, Robert M. Lusher, deputy commissioner of the United States district court for this district, in land causes, do hereby certify, that the



ette Decuir and Antoine Decuir, and 30 lks. to right of old levee, whence a persimmon 1 f. diam. N. 52¾° W., 41 lks. marked "x;" thence N. 44½ E., at 14.78 chs. cross line between Antoine Decuir and Lefroy Decuir, course of N. 32° 20′ W.; at 29.88 chs. (point "D") to a mulberry borne; whence S. 33° E. 1.89 chs. stands another mulberry borne (point "E;") these two bornes are said to have been established by P. L'Hermite, parish surveyor for Point Coupee, for the lower line of the 40 arpent front tract of land, claimed by Antoine Decuir; (see Am. St. Papers, vol. 3, No. 94, of second class of Harper's Reports, January 6th, 1821, confirmed by act of Congress, Feb. 28th, 1823;) (see also Am. St. Papers, vol. 2, No. 5 of Report in 1812, of "Old Board" of U. S. commissioners, a tract of 20 arpens front, "800 arps.," to Anthony Decuir;) both these confirmations call for Joseph Decuir as upper boundary. The direct course and distance in front, from the N. E. corner of J. Decuir "A," per line in red, see plat, to "D," is N. 48° E. 117.40 chs., being 1.04 chs. plus 40 arpens. The distance, as measured by me, and is about upon the trace of the old survey, is 2.02 chs. plus 40 arpens. From borne "D," I ran N. 33° W., on a well marked line, known by me to have been that made or adopted by the U. S. deputy surveyor; at 5.55 chs. and 15 lks. to the left, is the centre of the natural position of a mulberry tree, on the "margin of the Chenelle;" said mulberry is fallen by the roots, say some 5 to 10 years since; bark and branches decayed; but trunk sound, being 1½ f. diam. I examined particularly, but found no mark thereon; established at this point "F," a mulberry borne, whence an elm 18 ins. diam. S. 58¾° E. 62 lks., marked "x," a hackberry 6 ins. diam. S. 60 E. 1.16 chs., marked by A. Crawford, U. S. dep. surveyor, "T. 5, S. 42, R. 11," on west side. From point "F," I ran a course from the true meridian variation, set at 8° 0′.4 east, of S. 50° E. at 1.76 chs. at 4 lks. to the right is the standing trunk of a much decayed mulberry, "G," 1. f. diam. marked both on the east and west sides with a distinct blaze, which are very old, say 30 to 40 years; mulberry is a wood, for durability, nearly, if not equal to locust and cedar; these marks are certainly not of less age than above given, and may be older. I have no other means of judging than from hearsay and practical observation. My settled belief is, that either this tree, or that at which I established the aforesaid borne "F," is the mulberry given as the N. W. front corner of the Santiago Carrick survey, made by Charles Morgan, Oct. 13th, 1808; the plat of which said survey was placed in my possession; and I adopt the same as the basis of this present survey. Prolonging the course of S. 50° E. at 4.63 chs. and 32 lks. to the right, is a black gum "H," in the line of the old levee, 3½ f. diam. marked on N. E. side "L D"–X, and on the N. W. side "≡;" both sets of marks are very old—at 29.00 chs. and 1.30 chs. to the left, to back line of clearing of P. D'Arensbourg; at 55.80 chs. to Coulie; at 56.80 chs. cross Coulie, runs to left; at 86.80 chs. cross a marked line, bears N. 10½° E.; at 93.80 cross a marked line, bears N. 81° W.; at 116.36, 40 arpens, established a gum post "I;" whence a

black gum 3 f. diam., S. 79½° W., 12 lks., marked "x;" a blk. gum, 4 f. di. S. 34° W. 27 lks., marked "x," and a blk. gum 3 f. di., S. 6¼° W., 33 lks., marked "x." Returned to mulberry borne "F;" thence N. 27 E. at 9.90, to a line of fence, bears S. 33° E., being the southwestern boundary of land, inhabited and cultivated by P. D'Arensbourg; at 23.00 chs. opposite cotton gin, 5.00 chs. to the right; at 36.00 chs. opp. P. D'Arensbourg's dwelling, 6.00 chs. to the right; at 52.20 chs. opp. an old, unoccupied house, 6.00 chs. to the right; at 58.18 chs., equal 20 arpens, cross the range of an old fence, bears S. 39° E., which at 60 lks. passes 5 lks. to the right of a three-trunked hackberry, having many old chops and blazes on the several trunks, and also the marks "V.W.–S. W. N.," on the S. E. side of the S. E. trunk; at 58.61 chs. on the course of N. 37° E., I sat a honey locust post "J," whence said three-trunked hackberry, 30 ins. diam., at base S. 6° E. 1.01 chs. marked "$\frac{M}{\equiv}$" new; the north trunk, 9 ins. di. of a double hackberry 3 f. di. at base, S. 39° E., 56 lks. mark'd "$\frac{M}{\equiv}$" new; and the S. W. trunk of a double hackberry 2 f. di., N. 21½° E., 71 lks., having "$\equiv$" old chops on the S. E. side, and remarked by me "$\frac{M}{\equiv}$;" the post is 5 lks. outside the levee and 20 lks. from brow of chenelle. Thence on lower side line I ran, S. 60° E.; at 50 lks. cross fence on south of road; at 21.20 chs. to a back fence of cleared field, bears N. 27° E., and enter woods; at 65.00 chs. to centre of a coulée; at 106.38 chs. line touches, and on the right side a hackberry 10 ins. di., marked on said right side "V. W.–S. M. 1841;" at 116.36 chs., equal to 40 arpens, I sat a gum stake "K," whence a red oak 20 ins. di. N. 63½° E., 52 lks., marked "x;" a red oak 18 ins. di. N. 31¼° W., 40 lks., marked "x," and a red oak 3 f. di. N. 83½° W., 47 lks., marked "x."

Not having discovered on either of the side lines of this survey, any old, continuous, line marks, I did not conceive it necessary to survey the back line.

On setting out upon the survey of the boundary lines of the within described tract, I had no means to determine whether Morgan had traced his lines from courses derived from the true or magnetic meridian, save that of applying a protractor to his plat; this I did, and found the courses platted from the true north; my method of survey was adopted therefrom. From after circumstances, however, I was induced to the belief, that his survey was based on the magnetic north; and returning to Mulberry borne "F," I ran S. 50° E. magnetic, being S. 42° E. true; (see plat, line shaded red, "F, O, R," when, after entering the woods, I found, for the distance of 50.00 chs. to "O" so far as I went, an old and thorough line marked with blazes. I chopped out many marks, and am well satisfied from minute examination, that it was marked some 30 to 40 years since; the character of the marks being blazes, is also indication of age, as the Spanish lines in this State are mostly marked after that manner. I examined also the lower line, and at 50.00 chs. thereon "P," (with the corresponding angle of departure from the line of S. 60° E., being S. 52° E., (see plat, line shaded

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red, "J, P, Q.") I found a similarly marked line, well defined, having cut into the old blazes of several of these marks, so well as on the upper line; I discovered distinct marks of decay from artificial wounds, embedded some 2 to 2½ inches from the present surface of said marked trees, many being of slow growth, such as hackberry. The lines shaded red, (see plat,) and denoted by the figure "F, J, Q, R," should be considered as lines laid upon the original trace, on the ground, by C. Morgan, in 1803. Figure "S, T, U, V," represents the claim of D. P. Cain, fronting on the Mississippi river, and is of inferior grade to claims fronting on Fausse river.

At "W," a log hut, lately occupied by Amedée Roux, the lessee or tenant of A. Porche; he has recently erected a hut at "X," moving into it during my survey. There are two pieces of clearing, as represented by small dots (see plat) in the western and front corner of the tract surveyed, containing together in superfice about 3 to 4 acres.

The superficial area that would be contained within the figure "F, J, Q, R," is 794.50 acres. That which would be contained within the figure "F, J, K, I," is 799.92 acres. Surveyed December 7th and 8th, 1848.

(Signed) HENRY WALLER,
U. S. Dep'y surveyor, Baton Rouge, La.

SELINA PATIN,
HYPOLITE PORCHE,
VICTOR POURCIAIN,
Chain carriers.

10°. The plaintiff offered in evidence a certified copy from the land office of the southeastern district of Louisiana, of an order of survey to Antoine Decuir, dated 12th July, 1788; which document is as follows:

LAND OFFICE, SOUTHEASTERN DISTRICT OF LOUISIANA,
12 *de Julio, de* 1788.

A Antoine Decuir, veinte arpanes de tierra de fe. con 40 de fondo, situados en la Falsa rivera, lindando de un lado, á la tierra pedida por Jph. Decuir, y del otro á tierras vacantes.

REGISTER'S OFFICE, NEW ORLEANS.

I, Louis St. Martin, register of the land office at New Orleans, do hereby certify the above document to be a true copy taken from one of the records of my office, entitled "Registro de los primeros decretos de concesiones de tierras," al libro No. 3, page 20.

In faith whereof I hereunto subscribe my name, this 20th day of March, 1842.

Signed, L. St. MARTIN, *Register.*

11°. The plaintiff offered in evidence a certified copy of the land office of the southeastern district of Louisiana, of an order of survey to Pierre Sauvé, dated 14th December, 1788; which document is follows:

2669.

LAND OFFICE, SOUTHEASTERN DISTRICT OF LA.,

24 *de Diciembre*, 1788.

A Don Pedro Sauvé, veinte arpanes de frente con 40 de fondo, situados en la Falsa rivera, sobre un brazo de ella, lindando de un lado á las tierras de Don Antonio Decuir, y del otro á a las tierras vacantes.

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12°. The plaintiff offered in evidence a certified copy of a deed of sale by widow Carrick and Mrs. Lockhart to Mr. P. Laurans, under date of the 11th April, 1835; which document is marked "D," and is as follows:

Aujourd'hui le onzième jour du mois d'Avril, de l'année mil huit cent trente cinq, et la cinquante neuvième de l'independance des Etats Unis d'Amerique.

Pardevant Louis T. Caire, notaire public, dans et pour la ville et paroisse de la Nouvelle Orleans, dûment commissionné et assermenté, et en présence des temoins ci-après nommés et soussignés.

Fut présent: Mr. Andrew Lockhart, demeurant en la ville de la Nouvelle Orleans, rue Royal, entre les rues de la Douane et du Canal.

Agissant en ces présentes au nom et comme mandataire de Dame Adelaide Segoud, veuve, Mr. James Carrick et de Dame Angélique Pauline Carrick, épouse du dit Sieur Lockhart, suivant la procuration qu'elles lui ont donnée, (la dite Dame Lockhart sous l'autorization de son mari,) suivant acte passé devant le dit Caire, notaire soussigné, le trois Avril, mil huit cent vingt huit, portant pouvoir de vendre tout ou partie des biens meubles et immeubles, appartenant ou qui pourraient appartenir, par la suite aux dites dames veuve Carrick et Lockhart, conjointement ou separément à quelque titre que ce fut.

Lequel es dits noms, a par ces présentes, vendu, cédé, quitté, délaissé, et abandonné, des maintenant et à toujours, sous la simple garantée des faits et promesses personnels, des dites Dames veuve Carrick et Lockhart, mais sans aucune garantée pour tout ce qui n'en proviendrait pas.

A Mr. Pierre Laurans, demeurant en la ville de la Nouvelle Orleans, rue de la Vieille Levée, à ce présent et acceptant acquereur pour lui, ses héritiers et ayans-cause.

Une terre située, dans l'étendu de la paroisse de la Pointe Coupée, Etat de la Louisiane, à l'endroit dit le Chenal, bornée d'un côté par une propriété qui appartient au dit Sieur Laurans, et de l'autre par une propriété qui appartient à honoré Destréhan ou à les représentans; en

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Lequel es dits noms, a par ces présentes, vendu, cédé, quitté, délaissé, et abandonné, des maintenant et à toujours, sous la simple garantée des faits et promesses personnels, des dites Dames veuve Carrick et Lockhart, mais sans aucune garantée pour tout ce qui n'en proviendrait pas.

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quoique cette terre puisse consister et quelqu'en soit la quantité d'arpens qui la composent ou en dependent le dit Sieur Lockhart, entendant la vendre, et le dit Sieur Laurans l'acquerir telle qu'elle appartient aux dites Dames veuve Carrick et Lockhart, en leur qualité ci-après établie, avec tous les droits et privileges qui en dependent, sans aucune exception ni reserve.

Il est bien entendu que le dit Sieur Laurans, est et demeure subrogé par suite de la présente vente, dans tous les droits de propriété et autres quels qu'ils soient que les dites Dames veuve Carrick et Lockhart, peuvent avoir sur la dite terre, et cela pour les exercer et faire valoir à leur lieu et place et comme elles auraient perfaire elles mêmes, mais à ses risques et périls, et sans pouvoir exercer aucuns recours ni répetitions contre elles, sous tel pretexte que se soit, pour les faits qui ne proviendraient pas d'elles personnellement.

Le dit Sieur Laurans a déclaré connaitre parfaitement la dite terre, et n'a pas désiré qu'il en fut fait plus de désignation.

La dite terre appartient, savoir: 1°. à la dite Dame veuve Carrick, pour trois quarts indivis, dont une moitié, ou deux quarts à cause de la dite communauté de biens qui a existe entre elle et le dit feu Sieur Carrick, auquel la concession de la dite terre a été faite pendant la durée de la dite communanté; et l'autre quart comme sur le héritière de défunte Mademoiselle Rosalie Carrick, sa fille, qui était heritière, pour moitié du dit feu Sieur Carrick, son père et avait droit en cette qualité au quart indivis de la dite terre ; laquelle Mademoiselle Carrick est décédé en l'année, mil huit cent dix sept, et par consequent sous l'empire de l'ancien code civil de l'Etat de la Louisiane.

2o. Et à la dite dame Lockhart pour l'autre quart indivis, en qualité d'héritiere, pour moieté du dit feu sieur Carrick, son père, decédé en l'année mil huit cent neuf.

Et cette terre avait été concédée par le Gouvernement Espagnol au dit feu sieur Carrick, ainsi qu'il est à la connaissance du dit sieur Laurans, lequel dispense les dites dames veuve Carrick et Lockhart d'aucune justification relativement à la dite concession, qu'il se charge de se procurer et de faire valoir à ses risques et perils.

Pour par le dit sieur Laurans, ses héritiers et ayans-cause, jouir, faire, et disposer de la dite terre vendue en pleine et toute propriété, comme de chose leur appartenant à compter de ce jour.

La présente vente est faite à titre de parfait et contrat aleatoire, moyennant la somme de trois cents piastres, que le dit sieur Lockhart reconnait avoir regue, en sa dite qualité, du dit sieur Laurans en especes, ayant cours de monnaie qui lui ont été comptées à lavue du notaire et des témoins soussignès, et dont en consequence il donne quittance pure et simple au dit sieur Laurans.

Attendu ce paiement le dit sieur Lockhart es-dits noms a présentement mis et subrogé le dit sieur Laurans, dans tous les droits de propriété, et autres que les dites dames veuve Carrick et Lockhart peuvent avoir sur la dite terre, les en dessaisissant en faveur du dit sieur Laurans, voulant qu'il en soit saisi, et puisse en user et disposer en pleine

propriété à leur lieu et place, et comme elles auraient pu faire elles-mêmes au moyen des présentes.

Les parties ayant été requises par le notaire soussigné de lui présenter un certificat du conservateur des hypothèques, du lieu de la situation de la propriété ci-dessus vendue, elles ont déclaré qu'elles n'avaient point ce certificat, et que cependant voulant réaliser la présente vente de suite, elles déchargeaient le notaire soussigné de toute espèce de responsibilité que la loi peut lui imposé au sujet de la représentation du dit certificat, et que même elles s'obligeaient solidairement de la garantir de tout évenement à ce sujet.

Le dit sieur Lockhart déclare que la dite dame veuve Carrick n'est chargé d'aucune tutelle en curatelle de mineurs, interdits ni absents.

A l'égard de Madame Lockhart, il est evident d'après la loi qu'elle n'en est chargée d'aucune. Dont acte:

Faite et pass en l'étude à la Nouvelle Orleans, le jour, mois, et an, que dessus, en présence de Messieurs Charles Darcantel et Philippe Lacoste, témoins à ce requis et domicilié en cette ville; lesquels ont signés avec les parties, et moi, notaire, après lecture faite.

(Signé) A. LOCKHART,
" PIERRE LAURANS,
" PHIL. LACOSTE,
" CHARLES DARCANTEL,
" LOUIS T. CAIRE, *Not. Pub.*

Pour copie conforme à l'original resté en mon étude pour recours. En foi de quoi j'ai signé les présentes, et y ai apposé le sceau de mon office. Nouvelle Orleans, le 24 Fevrier, 1845.

[SEAL.] (Signed) LOUIS T. CAIRE,
Notaire Publique.

13o. The plaintiff offered in evidence document marked "A," purporting to be a certified copy of a deed of sale of land by P. Laurans to Arnaud Amar, dated 17th February, 1840; which document is as follows:

ETAT DE LA LOUISIANE, *paroisse de la Pointe Coupée.*

Pardevant moi, Thomas J. Cooley, juge de la paroisse de la Pointe Coupée, et ex officio notaire public dans et pour la dite paroisse, en présence des témoins ci-après nommés et soussignés. Est comparu en personne, le sieur Jean Laurans, habitant de cette paroisse, procureur général et special, du sieur Pierre Laurans, domicilié à Paris, royaume de France, à la forme du pouvoir authentique annexé à une acte portant vente entre le dit sieur comparant, en sa dite qualité, et Prosper D'Arensburg, gardé en mon bureau, sous la date du 14 Fevrier, mil huit cent quarante.

Lequel sieur comparant ci qualité qu'il agit a, par ces présentes, déclaré vendre, céder, et transporter, dès maintenant et à toujours:

Au sieur Arnaud Amar, aussi habitant cette paroisse, ici présent et acceptant acquereur pour lui, les siens et ayans-causes.

Une terre située en cette paroisse à l'endroit, appellé Le Chenal, borné d'un côté par une terre propriété qui appartient à Prosper D'Arensbourg, h. d. c., de l'autre par une propriété qui a appartenue à Honoré Distrehan, h. de c. l., ou à ses représentans, en quoique cette terre puisse consister, et quelqu'en soit la quantité d'arpens qui la compose ou en dépendent, et en outre telle que la dite terre a été acquise par le dite sieur Pierre Laurans de dame veuve James Carrick et de dame Andrew Lockhart, par acte passé pardevant Louis T. Caire, notaire public, à la Nouvelle Orleans, sous la date du onze Avril, 1835, lequel acte a été enregistré en mon bureau, sous la date du vingt Mai, de la même année; auquel acte ainsi enregistré les parties se referrent ayant été lu par moi en leur présence, avant la redaction de cet acte. Et attendu qu'il peut y avoir entre les bornes sus-mentionnées, un morceau de terre de plus qui a été acquis par le dit sieur Pierre Laurans, par l'acte sus-mentionné, il est bien entendu et convenu entre les parties, que s'il se trouvait ainsi le dit acquereur en aura l'avantage, et cet excedant lui appartiendra.

Cette vente est ainsi faite pour et moyennant la somme de onze cent trente trois piastres, trente trois cents et un tiers, payable comme suit: la somme de $333 33⅓ au premièr de Mai, 1840, $366 66⅔ au premièr Avril, 1841, $403 33⅓ au premièr Avril, 1842; pour lesquelles sommes, payable aux époques susdites, le dit acquéreur a tout présentement fourni ses trois billets, payable à l'ordre du vendeur, portant intérêt à raison de dix pour cent l'an après l'échéance lesquels billets. j'ai signés et paraphés ne varietur pour les identifier avec ses présents, et j'ai les ai remis au vendeur, qui le reconnait.

La terre ainsi vendue demeurera specialement affectée, obligée, et hypothèquée, jusqu'à final et parfait paiement.

Les parties me dispensant de la mention et production du certificat des hypothèques voulu par la loi, et me dechargeant de toute responsabilité à cet egard.

Sous la reserve ci-dessus le dit sieur vendeur met et subroge le dit sieur acquéreur à tous les droits de propriété et jouissance qu'il a, ou pouvait avoir, sur la terre objet de la présente vente, pour par celui-ci en faire, jouir, et disposer comme d'un bien à lui appartenant en virtu des présentes.

Fait et passé à la Pointe Coupée, en mon bureau de dix septième jour de mois de Fevrier, de l'année mil huit cent quarante, en présence des sieur Samuel Bush et Elisha Stevens, témoins competens, lesquels ont signé, avec le dit sieur Jean Laurans, le dit sieur Arnaud Amar, et moi, juge et notaire susdit.

(L'original est signé)

J. LAURANS,
AD. AMAR,
E. STEVENS,
SAMUEL BUSH,
THOS. J. COOLEY,
Juge de paroisse.

ETAT DE LA LUISIANE, *paroisse de la Pointe Coupée.*

Je certifie que ce qui précède, et des autres parts, est une copie sincére et veritable de l'acte original, faisant parties des actes notaires de mon bureau.

Donné sous ma signature, et mon sceau official, ce 13ème jour de Fevrier, A. D. 1845.

[SEAL.] (Signed) E. COOLEY, *Parish Judge.*

14o. The plaintiff offered in evidence document marked "C," purporting to be a certified copy of a deed of sale of lands by A. Amar to Alexis Porche, dated the 13th May, 1841; which document is as follows:

ETAT DE LA LUISIANE, *paroisse de la Pointe Coupée.*

Pardevant moi, Thomas J. Cooley, juge de la paroisse de la Pointe Coupée, et ex officio notaire public dans et pour la dite paroisse, et en présence des temoins ci-après nommés et soussignés. Est comparu en personne, le sieur Arnaud Amar, de cette paroisse, lequel a par ces présentes declaré, vendu, céder, quitter et transporter, avec toute garantie de droit, au sieur Alexis Porche, homme de couleur libre, aussi de cette paroisse, ici présent et acceptant acquéreur pour lui, les siens et ayans-cause, une terre située dans cette paroisse, à l'endroit appelé "Le Chenal," bornée d'un côté par une terre qui appartient à Prosper D'Arensbourg, h. de c. l., et de l'autre par une propriété qui a partenu à Honoré Destrehan, h. de c. l., ou à ses representants, en quoi que cette terre puisse consister, et quelqu'en soit la quantité d'arpens qui la compose ou en dependent; et en autre entre telle que la dite terre a été acquise par le sieur Pierre Laurans, de dame veuve James Carrick, et de dame Andrew Lockhart, par acte passé pardevant Louise T. Caire, notaire, à la Nouvelle Orleans, sous la date du 11ème Avril, 1835, et en outre telle que la dite terre a été acquise par le sieur vendeur du dit sieur Pierre Laurans, par acte à mon rapport sous la date du 17ème Fevrier, 1840; auxquels actes les parties se referent. Et attendu qu'il peut y avoir entre les bornes susmentionnées, un morceau de terre de plus qui a été acquis par le dit sieur Pierre Laurans, par l'acte susmentionné il est bien entendu et convenu entre les parties, que s'il se trouvait ainsi le dit acquéreur en aura l'avantage, et cet excédant lui appartiendra.

Cette vente est ainsi faite pour et moyennant la somme de onze cent trente trois piastres trente trois cent un tiers, payable comme suit: la somme de sept cent piastres comptant, laquelle le dit sieur vendeur reconnait avoir reçue, et en donne par ces présentes bonne et valable quittance et décharge; la somme de quatre cent trois piastres trente trois cents un tiers, payable au premier Avril, mil huit cent quarante deux, en l'acquit du billet de pareille somme, qui a été donné par le sieur vendeur au dit sieur Pierre Laurans, pour le dernier terme du prix de la dite terre; lequel billet sera dû à l'époque ci-dessus mentionnée, et porte un intérêt après l'échéance à raison de dix pour cent par an.

Et pour assurer le paiement de la dite somme dernièrement mentionnée, la terre ainsi vendue restera specialement hypothèquée en faveur du vendeur, jusqu'à parfait paiement. Il est convenu et bien entendu entre les parties, que le sieur vendeur se reserve la faculté et la jouissance de couper sur la dite terre autant de bois qu'il lui plaira, et aussi de l'emporter pendant la durée de dix huit mois à compter de ce jour; ce-qui est accordé par le dit sieur acquéreur. Les parties ne dispense de la mention et de la production du certificat des hypothèques voulu par la loi, et me décharge de toute responsabilité à cet egard.

Fait et passé en l'étude, à la Pointe Coupée, ce treizième jour de Mai, de l'année mil huit cent quarante et un, en présence des sieurs Jean Laurans et Valery Ledoux, témoins, lesquels signant avec les dites parties, et moi, juge et notaire susdit, après lecture faite.

(L'original est signé) ARD. AMAR,
A. PORCHE,
J. LAURANS,
VALERY LEDOUX,
THOS. J. COOLEY,
Juge de paroisse.

ETAT DE LA LUISIANE, *paroisse de la Pointe Coupée.*

Je certifie qui ce qui précéde, et de l'autre part est une copie sincére et veritable de l'original faisant parties des actes notariés de mon bureau.

Donné sous ma signature et mon sceau officiels, ce 13ème jour de Fevrier, A. D. 1845.

[SEAL.] (Signed) E. COOLEY, *Parish Judge.*

And afterwards, at the May term of this court, to wit, on the 6th of June, 1849, the following judgment was rendered and entered of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

In this case the plaintiff claims the confirmation of an inchoate grant or order of survey, given by Don Estevan Miro, in favor of Santiago Carrick, bearing date the 24th day of December, 1788, for a tract of land of twenty arpents front on False river, with the depth of forty arpents. The order says it shall join the lands of Pierre Sauvé; and the survey of Morgan, made in 1808, and that of the surveyor acting under an order of this court, shew the true location of the land according to the description and the order of survey and the petition of the grantee.

It is satisfactorily shewn to the court that the grantee was, at the date of the grant, an inhabitant of the province of Louisiana; that the order of survey or original concession was executed and signed by Governor Miro, who then had authority to grant lands; and that the same was made conformably to the laws and usages of the Spanish government of the province. It is further shewn, that the plaintiff has, by several

mesne conveyances, shewn as exhibits in this case, become the assignee of the original grantee.

It appearing, therefore, to the court that the tract of land granted was, according to the laws, usages, and customs of the Spanish Government, the property of the said grantee at the date of the treaty of cession in 1803, and is protected by the stipulations of said treaty and by the laws of nations:

Now, this court, acting under and by virtue of the act of Congress of 26th May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," and also an act, approved on the 17th June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama, south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed, that the petitioner, Alexis Porche, is the true and lawful owner of, and has good title against the United States, the defendants, in and to all the lands and hereditaments claimed by him in his petition; and that he be forever quieted and confirmed, as against the United States, in the ownership and possession of the same, to wit:

Twenty arpents front, with the usual depth of forty arpents, situated in the State of Louisiana, in the parish of Pointe Coupée, on False river, joining the concession of Pierre Sauvé, being the lower side of forty arpents front, with the depth of forty arpents, confirmed to Antoine Decuir.

It is further ordered, adjudged, and decreed, that in case said lands, so claimed by the petitioner, or any part or portion thereof, shall have been sold by the United States, or otherwise disposed of, said petitioner, Alexis Porche, shall be, and he is hereby, authorized to enter, in any land office in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public land, after the same shall have been offered at public sale; and if it should so happen that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres of a less number than the smallest sectional divisions authorized by law to be sold, the parties interested shall have the right to enter, in virtue of such fractional excess, the quantity of one half-quarter section of land, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section over and above the fractional excess to which the petitioner may be entitled by this decree of confirmation.

Judgment rendered 6th June, 1849.

Judgment signed 8th June, 1849.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And further, at the same term, to wit, on the 8th of June, 1849, the following motion and order of appeal were entered of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

On motion of Logan Hunton, attorney of the United States for the eastern district of Louisiana, and of Thomas J. Durant, on the same behalf, and on giving the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court, against them rendered at this term, in the matter of Alexis Porche versus the United States, and desire to appeal therefrom:

It is ordered by the court that an appeal be allowed in favor of the United States from the judgment aforesaid, returnable to the Supreme Court of the United States, at the next term thereof after the date of this order.

And further, at the same term, to wit, on the 9th of June, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
THE UNITED STATES.

On motion of C. de Choiseul, esq., of counsel for plaintiff, and on his suggesting to the court that the amount of land claimed and recovered in this case is under one thousand acres, it is ordered by the court that the district attorney of the United States shew cause, on Monday, the 11th inst., at 10 o'clock, a. m., why the order granting an appeal in this case should not be rescinded.

The attorney of the U. S. accepts service of the foregoing motion.

And further, at the same term, to wit, on the 11th of June, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The hearing of the motion entered herein to set aside the order of appeal granted in this cause was, by consent, continued until to-morrow, at 10, a. m.

And further, at the same term, to wit, on the 12th of June, 1849, the following entry was made of record in this case:

ALEXIS PORCHE
vs. } 140.
The UNITED STATES.

The motion entered herein to set aside the order of appeal granted in this case was this day taken up and argued by Wm. Dunbar, esq., on behalf of the complainant, and the attorney of the United States for the defendants, when the court took the matter under advisement.

And further, at the same term, to wit, on the 13th of June, 1849, the following judgment on the motion to set aside the order of appeal was rendered and entered of record in this case:

ALEXIS PORCHE vs. The UNITED STATES. } 140.

Having held under advisement the motion entered herein to set aside the order of appeal, heretofore granted in this case; and being of the opinion, from a consideration of the law and the argument of counsel, that the complainant has shewn no sufficient reason for rescinding said order; and further, that all doubts as to the interpretation to be given to the act of May 26th, 1824, are properly to be determined by the Supreme Court of the United States, the court doth now order and decree, and it is hereby ordered and decreed, that said motion be overruled and dismissed.

Finis.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing sixty-three folios (including plans on folios 29 and 42) and eleven lines, (64th,) contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, wherein Alexis Porche is plaintiff, and the United States of America are defendants; No 140 of the land docket of said court.

In testimony whereof I have hereunto set my hand, and affixed the [SEAL.] seal of said court, at the city of New Orleans, this twenty-fifth day of August, one thousand eight hundred and forty-nine, and the 74th year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern district of La.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal, at New Orleans, this 25th day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

THE UNITED STATES OF AMERICA,
To Alexis Porche, residing in the parish of Pointe Coupée, State of Louisiana, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on

the first Monday of December next, pursuant to an order of appeal granted on the eighth day of June, 1849, by the district court of the United States, in and for the eastern district of Louisiana, in a certain cause in chancery, (under the acts approved May 26th, 1824, and June 17th, 1844,) entitled (No. 140) Alexis Porche vs. the United States, wherein the said United States of America are now appellants, and you are appellee, to show cause, if any there be, why the judgment rendered against the appellants, as in the said order of appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

O. DE CHOISEUL, *Att'y.*

Witness hereto my hand, and the seal of the said court, at the city of New Orleans, this twenty-fourth day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

Judge of U. S. district court, eastern district of La.

C. DE CHOISEUL, *Attorney.*

Attest: ROBT. M. LUSHER, *Dp'y Clk.*

Eastern district of Louisiana, United States district court. No. 140.

ALEXIS PORCHE
vs.
The UNITED STATES.

Citation of appeal. Marshal's return.

Received October 9, 1849, and on the 25th October, 1849, served a copy of the within citation of appeal on Alexis Porche, by handing the same to his wife, Mrs. A. Porche, in person, at his domicil, parish of Point Coupée, 170 [miles] from New Orleans, Mr. Porche being absent at the time. Returned 29th October, 1849.

N. W. BUTLER,
Dp'y U. S. marshal, east. district of La.

Return registered October 29, 1849.

ROBT. M. LUSHER, *Dep'y Clk.*